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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 3	\$0.60
Titles 4-5	1.00
Title 7, Parts 51-52	.45
Parts 53-209	.40
Title 8	.40
Title 32, Parts 700-759	1.00

Previously announced: Title 36, Revised (\$3.00);
Title 46, Parts 146-149, Revised (\$6.00)

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Rules and Regulations

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER K—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CER- TAIN OTHER PROCESSED FOOD PRODUCTS

PART 176—UNITED STATES STAND- ARDS FOR GRADES OF FROZEN RAW BREADED FISH PORTIONS¹

On page 9787 of the FEDERAL REGISTER of December 5, 1959, there was published a notice of a proposed new part 176 of Title 50, Code of Federal Regulations. The purpose of the part is to issue United States Standards for Grades of Frozen Raw Breaded Fish Portions under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed new part. Comments were received and considered and the proposed new part is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: February 23, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

PRODUCT DESCRIPTION AND GRADES

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176.2	Grades of frozen raw breaded fish portions.

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176.31	Score sheet for frozen raw breaded fish portions.
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AUTHORITY: §§ 176.1 to 176.13 issued under sec. 6(a), Fish and Wildlife Act of August 8, 1956; 16 U.S.C. 742e.

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION AND GRADES

§ 176.1 Product description.

Frozen raw breaded fish portions are clean, wholesome, uniformly shaped unglazed masses of cohering pieces (not ground) of raw fish flesh coated with suitable, wholesome batter and breading. They are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. The frozen raw breaded fish portions are at least $\frac{3}{8}$ -inch thick and contain the minimum fish flesh content specified in § 176.21(a). The portions in an individual package are prepared from the flesh of only one species of fish.

§ 176.2 Grades of frozen raw breaded fish portions

(a) "U.S. Grade A" is the quality of frozen raw breaded fish portions that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 90 points.

(b) "U.S. Grade E" is the quality of frozen raw breaded fish portions that possess at least reasonably good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen raw breaded fish portions that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 176.11 Ascertaining the grade.

(a) The grade of frozen raw breaded fish portions is ascertained from the evaluation of a sample unit consisting of ten frozen raw breaded portions selected at random from one or more packages as necessary. The evaluation of the quality factors is made from the examination of the product in the frozen state and after it has been cooked in a suitable manner. The following factors are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, uniformity, absence of defects, and character. These factors are rated in the following manner:

(1) *Flavor and odor.* These factors are rated directly by organoleptic examination. Score points are not assessed (see § 176.12).

(2) *Appearance, uniformity, absence of defects, and character.* The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of the factors are:

Factors	Points
Appearance	25
Uniformity	20
Absence of defects	40
Character	15

Total possible score ----- 100

§ 176.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirements for a Grade A product) means that the product has good flavor and odor characteristic of the indicated species of fish and of the type of coating used; and is free from staleness, and off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the product may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 176.13 Evaluation and rating of the scored factors: Appearance, uniformity, absence of defects, and character.

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

§ 176.14 Appearance.

(a) The factor of appearance refers to the amount of loose breading and frost in the packaged product, and lack of continuity of the coating of the frozen product.

(1) *Loose breading and frost.* "Loose breading" refers to that amount of breading material (crumbs) found free in the package. "Frost" refers to the frozen moisture which is deposited on the product as a white crystalline coating, and which accumulation is objectionable and can be readily removed.

(2) *Continuity.* "Continuity" refers to the coverage of the fish flesh by the coating. Lack of continuity in the frozen state is exemplified by breaks (bare spots, or sections of thin coating through which the fish flesh is slightly visible), ridges (excess breading which projects at the edges of the frozen portion), lumps (objectionable outcropping of the breading on the surface of the frozen portion), and/or depressions (objectionable visible voids or shallow areas in the surface of the portion which are lightly covered by breading). Each $\frac{1}{8}$ -square-inch area of any break, ridge, lump, or depression is considered an instance of "lack of continuity". Individual breaks, ridges, lumps, or depressions measuring less than $\frac{1}{8}$ square inch are not considered.

(b) For the purpose of rating the factor of appearance, the schedule of deduction-points in Table I apply. Frozen raw breaded fish portions which receive 25 deduction points for the factor of

appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN APPEARANCE

Appearance subfactors	Method of determining subfactor score (percent of net weight)		Deduction points
	Over	Not over	
Loose breading and frost.	0-----	1/2	0
	1/2-----	1	1
	1-----	2	3
	2-----	5	5
	5-----	10	10
Continuity-----	Lack of continuity		Number of portions affected
	(a) Slight (8 to 16 instances per portion).	1	1/2
		2 or 3	1
		4 or 5	2
		6 or 7	3
		8 to 10	5
	(b) Moderate (17 to 20 instances per portion).	1	1
		2 or 3	3
		4 or 5	5
		6 or 7	7
		8 to 10	10
	(c) Severe (over 20 instances per portion).	1	2
		2 or 3	6
		4 or 5	10
		6 or 7	15
		8 to 10	25

§ 176.15 Uniformity.

(a) The factor of uniformity refers to the degree of conformance of the length, width, and weight of each individual frozen portion to the average length, width, and weight of the portions within a sample unit.

(b) For the purpose of rating the factor of uniformity, the schedule of deduction-points in Table II apply. Frozen raw breaded fish portions which receive 20 deduction-points for the factor of uniformity shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE II—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN UNIFORMITY

Method of determining subfactor score	Number of portions affected	Deduction points
<i>Lack of uniformity</i>		
(a) Slight—Portions deviating ± 10.1 to 15 percent from average sample weight, or $\pm 1/8$ to $3/16$ inch from average sample length, or $\pm 1/8$ to $3/16$ inch from average sample width.	1	0
	2 or 3	1
	4 or 5	3
	6 or 7	5
(b) Moderate—Portions deviating ± 15.1 to 20 percent from average sample weight, or more than $3/16$ inch and up to $1/2$ inch from average sample length, or more than $3/16$ inch and up to $1/2$ inch from average sample width.	1	1
	2 or 3	3
	4 or 5	5
	6 or 7	7
(c) Severe—Portions deviating over 20 percent of average sample weight, or more than $1/2$ inch from average sample length, or more than $1/2$ inch from average sample width.	1	2
	2 or 3	5
	4 or 5	9
	6 or 7	15
	8 to 10	20

§ 176.16 Absence of defects.

(a) The factor of "absence of defects" refers to the degree of freedom from broken portions, damaged portions, lack of adherence, blemishes, and bones. Evaluation of the defects of broken and damaged portions are made on the frozen product. Evaluation of the defects of adherence, blemishes, and bones are made after the product has been cooked in a suitable manner.

(1) *Broken portion.* "Broken portion" means a portion with a break or cut greater than $1/2$ the width or length of the portion.

(2) *Damaged portion.* "Damaged portion" means a portion which has been injured, mashed, or mutilated to the extent that its appearance is materially affected. The amount of damage to a portion is measured by the percentage of the portion affected.

(3) *Adherence.* "Adherence" refers to the adhesion of the coating material (batter and breading) to the fish flesh of the cooked product. Lack of adherence is characterized by a swelling and subsequent bursting of the coating of the cooked product, resulting in exposure of the fish flesh. The degree of non-adherence is measured by the size of the break in the cooked coating. Each $1/4$ square inch break in the coating showing exposed fish flesh is considered an instance of "lack of adherence".

(4) *Blemish.* "Blemish" means a piece of skin, a fin, a blood spot, a bruise, an excessively dark fat layer, curd spot, scales, or extraneous material. One "instance of skin" means one or more pieces of skin covering an accumulative area up to 1 square inch; except that individual skin pieces less than $1/8$ square inch in area are not considered. One "instance of fin" means one identifiable fin or part of any fin covering an aggregate area up to $1/2$ square inch; except that any fin over $1/2$ square inch in area is considered as 2 instances. One "instance of curd" means one curd spot or a group of curd spots covering an aggregate area up to one square inch; except that no individual curd spot less than $1/16$ square inch in area is considered. One "instance of scales" means one scale or group of scales covering an aggregate area up to $1/2$ square inch. One "blood spot", "bruise", or "excessively dark fat layer" (which is yellow, rusting, or extremely dark for the species of fish used) means a blood spot, bruise, or excessively dark fat layer which measures at least $1/8$ square inch in area and which is objectionable.

(5) *Bones.* One "instance of bones" means one bone or part of any bone or one group of bones occupying or contacting a circular area up to 1 square inch.

(b) For the purpose of rating the factor of "absence of defects", the schedule of deduction-points in Table III apply.

TABLE III—SCHEDULE OF POINT-DEDUCTIONS FOR ABSENCE OF DEFECTS

Defect subfactors	Method of determining subfactor score	Number of portions affected	Deduction points
Broken portions.	Break or cut greater than $1/2$ the width or length of the portion.	0 1 2 3 4 to 10	0 1 3 12 40
	<i>Degree of damage:</i>		
Damaged portions.	(a) Slight—Affecting over 5 but less than 25 percent of the surface area of the individual portion.	1 or 2 3 to 5 6 to 10	2 5 10
	(b) Moderate—Affecting over 25 but less than 50 percent of the surface area of the individual portion.	1 or 2 3 to 5 6 to 10	4 10 20
	(c) Severe—Affecting 50 percent or more of the surface area of the individual portion.	1 or 2 3 to 5 6 to 10	8 20 40
	<i>Lack of adherence</i>		
	(a) Slight (1 instance per portion).	1 2 or 3 4 or 5 6 or 7 8 to 10	1 3 5 7 10
	(b) Moderate (2 or 3 instances per portion).	1 2 or 3 4 or 5 6 or 7 8 to 10	3 7 12 18 30
	(c) Severe (4 or more instances per portion).	1 2 or 3 4 or 5 6 or 7 8 to 10	5 10 18 30 40
Blemishes	<i>Number of instances per sample unit (not over 10 instances are recorded per portion)</i>		
	1 or 2		1
	3 or 4		2
	5 or 6		4
	7 or 8		6
	9 or 10		8
	11 or 12		11
	13 or 14		15
	15 or 16		20
	17 or 18		25
	19 or 20		32
	21		40
Bones	<i>Number of instances per sample unit</i>		
	1		1
	2		3
	3		8
	4		15
	5		22
	6		30
	7		40

§ 176.17 Character.

(a) The factor of character refers to the ease of separation of the portions, and the texture of the fish flesh and of the coating.

(1) *Ease of separation.* "Ease of separation" refers to the difficulty of separating one frozen portion from the other.

(2) *Texture.* "Texture" refers to the firmness, tenderness, and moistness of the cooked fish flesh, and to the crispness and tenderness of the coating of the cooked product. The texture of the cooked fish flesh may be classified as

a degree of mushiness, tenderness, toughness, or fibrousness. The texture of the coating in the cooked state may be classified as a degree of pastiness, toughness, dryness, or mushiness.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table IV apply. Frozen raw breaded fish portions which receive 15 deduction points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE IV—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN CHARACTER

Character subfactors	Method of determining subfactor score	Deduction points
	Number of portions affected	
Ease of separation.	Degree of ease of separation	
	(a) Slight—Portions separated by hand with slight effort.	1 to 10... 0
	(b) Moderate—Portions separated by hand with difficulty.	11 to 15... 1
	(c) Severe—Portions separated only by use of knife or other instrument.	16 to 20... 2
		21 to 25... 3
Texture.	Texture of coating is—	
	(a) Firm or crisp, but not tough, pasty, or mushy.	0
	(b) Slightly tough, pasty, or mushy.	1
	(c) Moderately tough, pasty, or mushy.	5
	(d) Excessively tough, pasty, or mushy.	10
	Texture of fish flesh is—	
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.	0
	(b) Moderately firm, only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.	1
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.	5
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.	15

DEFINITIONS AND METHODS OF ANALYSIS

§ 176.21 Definitions and methods of analysis.

(a) **Minimum fish flesh content.** "Minimum fish flesh content" refers to the minimum percent, by weight, of fish flesh allowed for portions of various surface areas as specified in Table V.

TABLE V—MINIMUM FISH FLESH CONTENT ESTABLISHED FOR FROZEN RAW BREADED FISH PORTIONS

Surface area of portions (square inches)	Minimum fish flesh content
Over—	Up to—
0.....	15..... 72
15.....	21..... 75
21.....	27..... 78

The minimum fish flesh content for frozen raw breaded fish portions, is determined by the following method:

- (1) **Equipment and material.** (i) Water bath (3 to 4 liter beaker).
- (ii) Balance accurate to 0.1 gram.
- (iii) Clip tongs of wire, plastic, or glass.
- (iv) Stop-watch or regular watch with second hand.
- (v) Paper towels.
- (vi) Spatula, 4-inch blade with rounded tip.
- (vii) Nut picker.
- (viii) Thermometer (immersion type) accurate to $\pm 2^{\circ}\text{F}$.
- (ix) Copper sulfate crystals (500 grams).

(2) **Procedure.** (i) Obtain the weight of each portion in the sample while it is still in a hard frozen condition.

(ii) Place each portion individually in the water bath maintained at 63° to 86°F and allow to remain until such time as the breaching becomes soft and

can easily be removed from the still frozen fish flesh (between 10 to 80 seconds for portions held in storage at 0°F).

NOTE: Several dry runs are necessary to determine the exact dip time required for "debreaching" the portions in a lot sample. For dry runs only, a saturated solution of copper sulfate (500 grams of $\text{Cu SO}_4 \cdot 5\text{H}_2\text{O}$ in 2 liters of tap water) is necessary. The correct dip time is the minimum time required to dip the portions in the (copper sulfate) solution so that the breaching can easily be scraped off; provided that (1) the "debreached" portion is still solidly frozen, and (2) only a slight trace of blue color is visible on the surface of the "debreached" fish portion.

(iii) Remove the portion from the bath; blot lightly with double thickness paper toweling; and scrape off or pick out coating from the fish flesh with the spatula or nut picker.

(iv) Weigh the "debreached" fish flesh of the portion.

(v) Calculate the percent of fish flesh in the sample by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (iv)}}{\text{Weight of raw breaded fish portion (i)}} \times 100$$

(b) **Loose breaching and frost.** "Loose breaching and frost" refers to the percent, by weight, of "loose crumbs and frost" found in the sample package(s). "Loose breaching and frost" is determined by use of a balance (accurate to 0.1 gram) in accordance with the following method:

(1) **Procedure.** (i) Remove the overwrap.

(ii) Weigh carton(s) and all contents.

(iii) Remove breaded fish portions.

(iv) Weigh carton(s) less breaded portions, but including crumbs, frost, and separators (if used).

(v) Remove crumbs and frost from the package(s).

(vi) Weigh cleaned carton(s) and separators.

(vii) Calculate percent loose breaching and frost:

Percent loose breaching and frost =

$$\frac{(\text{Weight carton(s) less breaded portions, but including crumbs, frost, and separators (iv)}) - (\text{Weight cleaned carton(s) and separators (vi)})}{\text{Weight of cartons(s) and all contents (ii)} - (\text{Weight cleaned carton(s) and separators (vi)})} \times 100$$

(c) **Cooking in a suitable manner.** "Cooking in a suitable manner" means cooking in accordance with the frying instructions accompanying the product. However, if specific instructions for frying are lacking, the product for inspection is cooked as follows:

(1) **Equipment and material.** (i) Deep fat fryer (thermostatically controlled).

(ii) Wire mesh deep fry basket.

(iii) Sufficient fat to cover portions.

(iv) Paper towels.

(2) **Procedure.** (i) While still in the frozen state, place the sample to be cooked in a wire-mesh deep-fry basket sufficiently large to hold the portions in a single layer without touching each other.

(ii) Lower basket and its contents into suitable liquid oil or hydrogenated oil heated to 350 – 375 degrees Fahrenheit. Maintain these temperatures throughout the cooking operation. Fry for three to five minutes, or until the portions attain a pleasing golden brown color.

(iii) Remove basket from oil and allow to drain for fifteen seconds. Place the cooked portions on a paper napkin or towel to absorb excess oil.

LOT CERTIFICATION TOLERANCES

§ 176.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 170, of this chapter (Regulations Governing Processed Fishery Products, 23 F.R. 5064, July 3, 1958).

SCORE SHEET

§ 176.31 Score sheet for frozen raw breaded fish portions.

Label: _____
 Size and kind of container: _____
 Container mark or identification: _____
 Size of lot: _____
 Number of packages per master carton: _____
 Size of sample: _____
 Type of overwrap (if any): _____
 Actual net weight: _____ (lb.) _____ (kg.)

Factor	Maximum score points	Deduction points
Appearance.....	25	
Uniformity.....	20	
Absence of defects.....	40	
Character.....	15	
Total.....	100	
Flavor and odor.....		
Final grade.....		

PART 177—UNITED STATES STANDARDS FOR GRADES OF FROZEN COD FILLETS¹

On page 9399 of the FEDERAL REGISTER of November 21, 1959, there was published a notice and text of a proposed new part 177 of Title 50, Code of Federal Regulations. The purpose of the new part is to issue United States Standards for Grades of Frozen Cod Fillets under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

Interested persons were given until December 18, 1959, to submit written comments, suggestions or objections with respect to the proposed new part. No comments, suggestions or objections have been received, and the proposed new part is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: February 23, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

PRODUCT DESCRIPTION AND GRADES

Sec.

- 177.1 Product description.
177.2 Grades of frozen cod fillets.

WEIGHTS AND DIMENSIONS

- 177.6 Recommended weights and dimensions.

FACTORS OF QUALITY

- 177.11 Ascertaining the grade.
177.12 Evaluation of the unscored factor of flavor and odor.
177.13 Evaluation and rating of the scored factors: Appearance, size, absence of defects, and character.
177.14 Appearance.
177.15 Size.
177.16 Absence of defects.
177.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

- 177.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

- 177.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

- 177.31 Score sheet for frozen cod fillets.

¹ AUTHORITY: §§ 177.1 to 177.31 issued under sec. 6(a), Fish and Wildlife Act of August 8, 1956; 16 U.S.C. 742e.

PRODUCT DESCRIPTION AND GRADES

§ 177.1 Product description.

The product described in this part consists of clean, whole, wholesome fillets or primarily large pieces of clean, whole, wholesome fillets, cut away from either side of cod, *Gadus morhua* or *Gadus macrocephalus*; the fillets may be either skinless or with skin on. They are packaged and frozen in accordance with good commercial practice and are main-

tained at temperatures necessary for the preservation of the product. (This part does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

§ 177.2 Grades of frozen cod fillets.

(a) "U.S. Grade A" is the quality of frozen cod fillets that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen cod fillets that possess at least reasonably good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen cod fillets that fail to meet the requirements of U.S. Grade B.

WEIGHTS AND DIMENSIONS

§ 177.6 Recommended weights and dimensions.

(a) The recommendations as to net weights and dimensions of packaged frozen cod fillets are not incorporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weights of the packaged frozen cod fillets be not less than 12 ounces and not over 10 pounds.

FACTORS OF QUALITY

§ 177.11 Ascertaining the grade.

The grade of frozen cod fillets is ascertained by examining the product in the frozen, thawed, and cooked states. The following factors of quality are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, size, absence of defects, and character. These factors are rated in the following manner:

(1) *Flavor and odor.* This factor is rated directly by organoleptic evaluation. Score points are not assessed (see § 177.12).

(2) *Appearance, size, absence of defects, and character.* The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of these factors are:

Factors	Points
Appearance.....	25
Size.....	20
Absence of defects.....	40
Character.....	15
Total possible score.....	100

§ 177.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the fish flesh has good flavor and odor characteristic of cod (*Gadus morhua* or *Gadus macrocephalus*) and is free from staleness, and off-flavors and off-odors of any kind..

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 177.13 Evaluation and rating of the scored factors; appearance, size, absence of defects, and character.

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

§ 177.14 Appearance.

(a) The factor of appearance refers to the normal color of the species of frozen fish flesh, and to the degree and amount of surface dehydration of the frozen product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Tables I and II apply. Frozen cod fillets which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCORE DEDUCTIONS FOR DISCOLORATION

Color of frozen product	Deduction points	
	"Light" colored portion comprising main portion of fillet	"Dark" colored portion occurring under skin mainly along lateral line
No discoloration.....	0	0
Slight yellowing.....	2	1
Moderate yellowing.....	4	2
Excessive yellowing and/or any rusting.....	13	12

TABLE II—SCORE DEDUCTIONS FOR DEHYDRATION

Degree of dehydration of frozen product	Surface area affected (percent)		Deduction points
	Over—	Not over—	
Slight—Shallow and not color masking.....	0	1	0
	1	50	2
	50	100	5
Moderate—Deep but just deep enough to easily scrape off with fingernail.....	1	25	5
	25	50	8
	50	100	16
Excessive—Deep dehydration not easily scraped off.....	1	25	12
	25	100	25

§ 177.15 Size.

(a) The factor of size refers to the degree of freedom from undesirably small fillet pieces. Any fillet piece weighing less than 2 ounces is classed as being undesirably small.

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) For the purpose of rating the factor of size the schedule of deduction-points in Table III apply. Cod fillets which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE III—SCORE DEDUCTIONS FOR SIZE OF FILLET PIECES

Number of fillet pieces less than 2 ounces per pound		Deduction points
Over—	Not over—	
0	0	0
1	1	1
2	2	10
3	3	15
4	4	20

§ 177.16 Absence of defects.

(a) The factor of "absence of defects" refers to the degree of freedom from improper packing, cutting and trimming imperfections, blemishes, and bones. Evaluation for the defect of improper packing is made on the frozen product. Evaluation of the defects of cutting and trimming, blemishes, and bones are made on the thawed product.

(1) *Improper packing.* "Improper packing" means poor arrangement of fillets, presence of voids, depressions, frost, and the imbedding of packaging material into the frozen fish flesh.

(2) *Cutting and trimming imperfections.* "Cutting and trimming imperfections" means that the thawed fillets have ragged edges, tears, holes, or are otherwise improperly cut or trimmed.

(3) *Blemish.* "Blemish" means an instance of skin (except for skin-on fillets), scales, blood-spot, bruise, black-belly lining, fin, or extraneous material. One "instance of skin" consists of one piece of skin not less than $\frac{1}{2}$ square inch and not more than $1\frac{1}{2}$ square inches in area; each additional $\frac{1}{2}$ square inch area of individual skin pieces greater than $1\frac{1}{2}$ square inches is considered as an additional instance. One "instance of blood spot" is one of such size and prominence as to be considered objectionable. One "instance of black-belly lining" is any piece of black-belly lining not less than $\frac{1}{2}$ inch and not more than 1 inch in length; each additional $\frac{1}{2}$ inch length of individual pieces of black-belly lining longer than 1 inch is considered as an instance. Each aggregate area of identifiable fin or parts of any fin up to 1 square inch is considered as one "instance of fin". Each aggregate area up to 1 square inch per fillet of one scale or group of scales is considered as one "instance of scales". An "instance of bruise" consists of a bruise not less than $\frac{1}{2}$ square inch and not more than $1\frac{1}{2}$ square inches in area; each bruise larger than $1\frac{1}{2}$ square inches is considered as two instances of bruise.

(4) *Bones.* One "instance of bone" means one bone or one group of bones occupying or contacting a circular area up to 1 square inch.

(b) For the purpose of rating the factor of "absence of defects" the schedule of deduction-points in Table IV apply.

TABLE IV—SCORE DEDUCTIONS FOR ABSENCE OF DEFECTS

Defects subfactors	Method of determining subfactor score	Deduction points
Improper packing.	Moderate defects, noticeably affecting the product's appearance.	2
	Excessive defects, seriously affecting product's appearance.	4
Blemishes.....	Number of blemishes per 1 lb. of fish flesh:	
	Over 0 not over 1.....	1
	Over 1 not over 2.....	3
	Over 2 not over 3.....	5
	Over 3 not over 4.....	8
	Over 4 not over 5.....	12
	Over 5 not over 6.....	16
	Over 6 not over 7.....	30
	Over 7.....	40
Bones.....	Number of instances per 1 lb. of fish flesh:	
	Over 0 not over 1.....	0
	Over 1 not over 2.....	2
	Over 2 not over 3.....	4
	Over 3 not over 4.....	6
	Over 4 not over 5.....	8
	Over 5 not over 6.....	14
	Over 6 not over 7.....	30
	Over 7.....	40
Cutting and trimming.	Slight defects, scarcely noticeable.	0
	Moderate defects, noticeable but not affecting the useability of any fillets.	4
	Excessive defects impairing:	
	(a) the useability of up to $\frac{1}{4}$ of the total number of fillets.	8
	(b) the useability of over $\frac{1}{4}$ but not more than $\frac{1}{2}$ of the total number of fillets.	16
	(c) the useability of over $\frac{1}{2}$ of the total number of fillets.	40

§ 177.17 Character.

(a) The factor of character refers to the amount of free drip in the thawed fillets, and to the tenderness and moistness of the cooked fish flesh.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table V apply. Cod fillets which receive 15 deduction-points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCORE DEDUCTIONS FOR CHARACTER

Character subfactors	Method of determining subfactor score	Deduction points
Texture.....	Texture of the cooked fish:	
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.	0
	(b) Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.	4
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.	8
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.	15
Drip.....	Percent of drip:	
	Over 0 not over 5.....	0
	Over 5 not over 6.....	1
	Over 6 not over 8.....	2
	Over 8 not over 10.....	4
	Over 10 not over 12.....	6
	Over 12 not over 14.....	9
	Over 14 not over 16.....	12
	Over 16.....	15

DEFINITIONS AND METHODS OF ANALYSIS

§ 177.21 Definitions and methods of analysis.

(a) *Percent of drip.* "Percent of drip" means the percent by weight of "free

drip" (the fluid which is not reabsorbed by the fish tissue when the frozen fish thaws, and which separates freely without the aid of any external forces except gravity) in an individual package as determined by the following method:

(1) *Apparatus and materials.* (i) Water bath.

(ii) Balance, accurate to 0.1 gm; or 0.01 ounce.

(iii) Pliable and impermeable bag (cryovac, pliofilm, etc.).

(iv) Corrosion resistant metal rod weight (preferably stainless steel or monel metal), measuring $3\frac{1}{2}$ inches in length and approximately $\frac{1}{4}$ – $\frac{1}{2}$ inch in diameter.

(v) U.S. Standard No. 8 mesh circular sieve (both 8 and 12 inch diameters).

(vi) Stirring motor.

(vii) Identification tags.

(2) *Procedure.* (i) Place metal rod weight into an empty pliable bag.

(ii) Weigh the bag and the metal weight.

(iii) Remove the frozen fish material from the container (container consists of the carton and the inner and outer wrapping).

(iv) Place the frozen product, plus scraps of any material remaining in the container, into the pliable bag.

(v) Weigh the bag and its contents and subtract tare (empty bag and metal weight) to determine the net weight of the product.

(vi) Suspend the bag and contents in an agitated water bath maintained at 68° F. plus or minus 2° F. The bag should be suspended in the water so that the fish flesh is below the water line.

(vii) Allow the bag and its contents to remain immersed until the product is defrosted (a "test run", in advance, is necessary to determine time required for each product and quantity of product).¹

(viii) Remove bag and contents from bath and gently dry outside of bag.

(ix) Weigh dry U.S. Standard No. 8 mesh circular sieve.

(x) Open bag and empty contents onto U.S. Standard No. 8 circular sieve so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes.

(xi) Weigh sieve and its contents and calculate drained weight. The drained weight is the weight of sieve and fillets less the weight of the dry sieve.

(xii) Calculate percent drip:

Net weight (v) – drained weight (xi) \times (100)
Net weight (v)

= Percent of drip.

(b) *Cooking in a suitable manner.*

"Cooking in a suitable manner" shall mean that the product is cooked as follows: Place the thawed unseasoned product into a boilable film-type pouch; fold the open end of the pouch over the suspension bar and clamp in place to pro-

¹ The purpose of the "test run" is to determine the time necessary to thaw the product. The complete thawing of the product is determined by frequent but gentle squeezing of the bag until no hard core or ice crystals are felt. This package which has been squeezed can not be used for drained weight calculations.

vide a loose seal. Immerse the pouch and its contents in boiling water and cook until the internal temperature of the fillets reaches 160° F. (about 20 minutes).

LOT CERTIFICATION TOLERANCES

§ 177.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 170 of this chapter (Regulations Governing Processed Fishery Products, 23 F.R. 5064, July 3, 1958).

§ 177.31 Score sheet for frozen cod fillets.

SCORE SHEET

Label: _____
Size and kind of container: _____
Container mark or identification: _____
Size of lot: _____
Number of packages per master carton: _____
Size of sample: _____
Type of overwrap: _____
Actual net weight: _____ (lb.) _____ (kg.)

Factor	Score points	Sample score
Appearance	25	-----
Size	20	-----
Absence of defects	40	-----
Character	15	-----
Total	100	-----
Flavor and Odor	-----	-----
Final Grade	-----	-----

[F.R. Doc. 60-1778; Filed, Feb. 26, 1960; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Subpart B—Standards

REVISION OF OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR BARLEY

On November 28, 1959, there was published in the FEDERAL REGISTER (24 F.R. 9547) notice of a proposal to revise the Official Grain Standards of the United States for Barley (7 CFR 26.201-26.203) promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 74). No public hearings were held but interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal.

Consideration has been given to information received in writing and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information, subparagraph (1) of § 26.201(c) and paragraph (b) of § 26.203 of the Official Grain Standards of the United States for Barley are hereby revised to read respectively as follows:

§ 26.201 Terms defined.

(c) *Barley*. * * *

(1) *Malting Barley*. The subclass Malting Barley shall be six-rowed barley

of the class Barley which has 90 percent or more of the kernels with white aleurone layers; which is not semi-steely in mass; which after the removal of dockage, contains not more than 5 percent of two-rowed and/or other unsuitable malting types or varieties of barley such as Trebi, 4.0 percent damaged kernels, 3.0 percent foreign material, 8.0 percent skinned and broken kernels, 15.0 percent thin barley, 2.0 percent black barley, and 5.0 percent other grains; which has a minimum test weight per bushel of 43 pounds; which contains a

minimum of 90 percent of sound barley; which does not contain barley injured by frost or heat; which is not smutty, garlicky, weevily, ergoty, or bleached; and which otherwise meets the requirements of grades Nos. 1 to 3, inclusive, of the subclass Barley.

§ 26.203 Grades, grade requirements, and grade designations.

(b) *Grades and grade requirements for the subclasses Malting Barley and Blue Malting Barley of the class Barley*. (See also paragraph (g) of this section.)

Grade	Minimum limits of—		Maximum limits of—					
	Test weight per bushel	Sound barley	Damaged kernels	Foreign material	Skinned and broken kernels	Thin barley	Black barley	Other grains
	Pounds	Percent	Percent	Percent	Percent	Percent	Percent	Percent
1	47	97	2.0	1.0	4.0	7.0	0.5	2.0
2	45	94	3.0	2.0	6.0	10.0	1.0	3.0
3	43	90	4.0	3.0	8.0	15.0	2.0	5.0

NOTE: Barley of the class Barley which does not meet the requirements of any of the grades 1 to 3, inclusive, for the subclasses Malting Barley and Blue Malting Barley shall be classified and graded according to the grade requirements for the subclass Barley.

The foregoing revision shall become effective July 1, 1960.

Done at Washington, D.C., this 24th day of February 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-1799; Filed, Feb. 26, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 186]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.486 Navel Orange Regulation 186.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure,

and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1960.

(b) *Order*. (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 28, 1960, and ending at 12:01 a.m., P.s.t., March 6, 1960, are hereby fixed as follows:

- (i) District 1: 600,000 cartons;
- (ii) District 2: 500,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 26, 1960.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 60-1880; Filed, Feb. 26, 1960;
11:23 a.m.]

[Milk Order No. 18]

PART 918—MILK IN MEMPHIS, TENN., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the order regulating the handling of milk in the Memphis, Tennessee, marketing area (7 CFR Part 918), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

(1) In § 918.51(a) (1) the provisions "\$1.28 for the months of March through July, and" and "for all other months" and,

(2) Section 918.51(a) (2) and (3).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will eliminate the supply-demand provision and the seasonal variation in the differential added to the basic formula price in the determination of the Class I price.

(4) This suspension order is based on the record of a public hearing held at Memphis, Tennessee, July 21-24, 1959. Amendatory proceedings are now in process but cannot be made effective by March 1, 1960. From the evidence in the record it is concluded that the supply-demand factor should not be effective and the seasonal decrease in the differential to be added to the basic formula price in determining the Class I price should not occur for the month of March 1960.

Therefore, good cause exists for making this order effective March 1, 1960.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective March 1, 1960 for the month of March 1960.

No. 40—2

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 24th day of February 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-1804; Filed, Feb. 26, 1960;
8:48 a.m.]

[Lemon Reg. 835]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.942 Lemon Regulation 835.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act; to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be

completed on or before the effective date hereof. Such committee meeting was held on February 24, 1960.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 28, 1960, and ending at 12:01 a.m., P.s.t., March 6, 1960, are hereby fixed as follows:

- (i) District 1: 9,300 cartons;
- (ii) District 2: 213,900 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 60-1842; Filed, Feb. 26, 1960;
9:02 a.m.]

[Milk Order No. 63]

PART 963—MILK IN GREAT BASIN MARKETING AREA

Order Amending Order

§ 963.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued January 20, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued February 12, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the *FEDERAL REGISTER*. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Delete § 963.7 and substitute the following:

§ 963.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a dairy farmer who during the current month qualifies as a producer under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant on one or more days during the month.

§ 963.9 [Amendment]

2. In § 963.9(b) delete "§ 963.7" and substitute "§ 963.13".

3. Delete § 963.10 and substitute the following:

§ 963.10 Approved plant.

"Approved plant" means (a) a plant in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) a milk receiving or processing plant not described pursuant to paragraph (a) of this section from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

§ 963.11 [Amendment]

4. a. Delete § 963.11(a) and substitute the following:

(a) An approved plant, except the plant of a producer-handler as described in § 963.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 50 percent in the months of August through March and 40 percent in other months of the receipts during the month at such plant or producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to § 963.10(b), and there are disposed of on routes in the marketing area fluid milk products equal to not less than 10 percent of the total fluid milk product disposition from the plant on routes: *Provided*, That if a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator: *And provided further*, That any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall not qualify as a pool plant pursuant to this paragraph.

b. In § 963.11(b) delete the words "diverted pursuant to § 963.7" and substitute the words "diverted pursuant to § 963.13".

§ 963.13 [Amendment]

5. Delete § 963.13 (a) and (b) and substitute the following:

(a) Received from producers at a pool plant but not including producers for which another person is the handler pursuant to § 963.9(c);

(b) Diverted by a handler (not as the operator of a nonpool plant) from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant, in an amount for any producer equal to not more than 200 percent of the quantity of milk received from such producer at pool plants (exclusive of milk diverted) during the month: *Provided*, That such

diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk.

6. Delete § 963.16 and substitute the following:

§ 963.16 Route.

"Route" means any disposition of fluid milk products (including through a vendor or disposition from a plant or plant store) in a form designated as Class I milk pursuant to § 963.41(a) except in bulk form to approved plants and except Class II milk disposition to plants which are not approved plants.

§ 963.42 [Amendment]

7. In the language preceding paragraph (a) delete the words "in the case of transfers to nonpool plants."

§ 963.62 [Amendment]

8. Delete the words "less 500 pounds per day."

§ 963.8 [Amendment]

9. In § 963.8 delete the words "milk of producers by diversion pursuant to § 963.7" and substitute therefor "producer milk diverted pursuant to § 963.13".

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 24th day of February 1960, to be effective on and after the 1st day of March 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-1805; Filed, Feb. 26, 1960; 8:48 a.m.]

[970.306 Am.it. 1]

PART 970—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is the primary purpose of this amendment to permit the handling of potatoes for chipping that meet the requirements of the State of Maine Processing Grade and the amendment applies to all handling of potatoes for manufacture into chips on and after the effective date hereof and through July 16, 1960. The amendment also allows seed shipments beyond the current expiration date of June 1, 1960.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and, (6) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. In § 970.306 (24 F.R. 7569) delete the introductory text of paragraph (b) (1) and subdivision (i) thereof; the introductory text of paragraph (b) (2) and subdivision (i) thereof; paragraph (c); and paragraph (h) and in lieu thereof substitute new introductory text to paragraph (b) (1) and subdivision (i) thereof; introductory text of paragraph (b) (2) and subdivision (i) thereof, paragraphs (c) and (h) as set forth below.

§ 970.306 Limitation of shipments.

(b) *Special purpose shipments*—(1) *Modified grade, size, and cleanliness requirements.* In addition to potatoes which meet the requirements of paragraph (a) of this section, potatoes may be shipped for the special purposes set forth in this paragraph if such potatoes meet the grade and size requirements specified for the particular purpose and the handler complies with the applicable provisions of paragraph (c) *Safeguards* of this section.

(i) *Chipping.* Maine Processing Grade, or better, 1½ inches minimum diameter.

(2) *Exemptions from grade, size, and cleanliness requirements.* The minimum grade, size, and cleanliness requirements of paragraph (a) of this section shall not apply to shipments of potatoes for the following purposes if the handler complies with the applicable provisions of paragraph (c) *Safeguards* of this section.

(i) Seed;

(c) *Safeguards.* (1) Each handler making shipment of potatoes under the provisions of paragraph (b) of this section for chipping, processing, into potato salad, fish cakes, hash, knishes or pancakes, export, dehydration or potato

flakes, canning or freezing, livestock feed, or charity shall:

(i) Prior to making shipment apply for and obtain an approved Certificate of Privilege from the committee pursuant to the provisions of § 970.130;

(ii) Obtain inspection of, and pay assessments on such shipments except shipments for canning or freezing, livestock feed, dehydration, potato flakes, and charity;

(iii) Pay assessments on shipments of seed, and on all such seed shipments after May 31, 1960, also comply with subdivisions (i), and (iv) of this subparagraph.

(iv) Furnish the committee such reports and documents as may be requested, including certification by the buyer or consignee as to the use of such potatoes.

(h) *Definitions.* The terms "clean," "fairly clean," and the grades and sizes used in this section, except in subdivision (i) of paragraph (b) (1) of this section shall have the same meaning assigned such terms, grades, and sizes in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title) including the tolerances set forth therein; the term "Maine Processing Grade" shall have the same meaning assigned such term in the promulgation of the "Maine Processing Grade" by the Commissioner of Agriculture of the State of Maine, in Circular No. 41, promulgated and adopted on February 10, 1960; the term "week" as used in paragraph (e) of this section means a calendar week beginning midnight (12:01 a.m.) Sunday; 85 percent U.S. No. 1, or better, quality, means that 85 percent of potatoes in any lot meet the requirements of § 51.1541 (of this title) except paragraphs (a) and (b) thereof, or § 51.1540 (of this title) except paragraphs (a) and (b) thereof; other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 24, 1960, to become effective February 29, 1960.

S. R. SMITH,
Director,

Fruit and Vegetable Division.

[F.R. Doc. 60-1798; Filed, Feb. 26, 1960; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FHA Instruction 446.1]

PART 382—FUR LOAN PROGRAM

Revocation of Part

Part 382 in Title 6, Code of Federal Regulations (19 F.R. 3992, 23 F.R. 636) is revoked.

(R.S. 161; 5 U.S.C. 22; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: February 18, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-1791; Filed, Feb. 26, 1960; 8:47 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Notice 1, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

Applicability of Provisions Contained In 1960 Agricultural Appropriation Act—Public Law 86-80 to Grain

Item 1 of the above notice published in 24 F.R. 8477, 9187 is amended by adding the grain commodities oats, flaxseed and soybeans to the list of commodities declared in surplus supply so that the amended paragraph reads as follows:

1. The grain commodities presently declared in surplus supply for the purpose of P.L. 86-80 and to which the provisions of the Act are applicable are: wheat, barley, oats, grain sorghums, corn, rice, rye, flaxseed and soybeans. The term "commodity" hereinafter used in this notice shall be deemed to refer to each of the grain commodities specified in this paragraph.

(Pub. Law 86-80)

Issued this 23d day of February 1960.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-1801; Filed, Feb. 26, 1960; 8:48 a.m.]

[Amdt. 2]

PART 472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

EXPIRATION OF TIME LIMITATIONS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), as amended (24 F.R. 649, 10191), are further amended by the insertion of a new § 472.1064 at the end of the subpart to read as follows:

§ 472.1064 Expiration of time limitations.

Whenever the final date, prescribed in this subpart for filing an application pursuant to § 472.1042 or for taking any action in connection with an appeal pursuant to § 472.1056, or any other action, falls on a Saturday, Sunday, national holiday, or state holiday, and on that day the proper ASC state or county office

is closed, or the final date falls on any other day on which such office is not open for the transaction of business during normal working hours, the time for filing the application or taking the required action shall be extended to the close of business on the next working day. In case the act to be done may be performed by mailing, the act shall be considered done within the prescribed period if the mailing is postmarked by midnight of such next working day. Where the act is to be done within a prescribed number of days after the mailing of notice, the day of mailing shall be excluded in computing such period of time.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Issued this 23d day of February 1960.

WALTER C. BERGER,
Executive Vice President, Com-
modity Credit Corporation,
and Administrator, Commodity
Stabilization Service.

[F.R. Doc. 60-1800; Filed, Feb. 26, 1960;
8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Com- merce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs.;
Amdt. 30¹]

PART 371—GENERAL LICENSES

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Miscellaneous Amendments

1. Section 371.13 *General Licenses* **SHIP STORES, PLANE STORES, CREW and REGISTERED CARRIER STORES**, paragraph (d) *General License REGISTERED CARRIER STORES* is amended by amending the paragraph heading to read *General License RCS; Registered Carrier Stores*, and substituting the symbol RCS for the words Registered Carrier Stores wherever they appear in paragraph (d) or in the notes following that paragraph.

2. Section 379.3 *Presentation of shipper's export declaration*, paragraph (c) *Number of copies to be presented*, subparagraph (3) *Additional copies of declaration* is amended by adding a new subdivision (iii) to read as follows:

(iii) *Exportations to any destination of aluminum scrap, Schedule B Number 63005.*² The additional copy shall bear in the upper right corner the notation, "FC-2630."

¹ This amendment was published in Current Export Bulletin 829, dated February 17, 1960.

² This regulation includes shipments made under a validated license, under a general license, and shipments to Canada.

This amendment shall become effective as of February 24, 1960.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 9830, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,

Bureau of Foreign Commerce.

[F.R. Doc. 60-1797; Filed, Feb. 26, 1960;
8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7512 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Rein, Rame & Gurvitch, Inc., et al.

Subpart—Furnishing false guaranties:

§ 13.1053 *Furnishing false guaranties*:
§ 13.1053-35 *Fur Products Labeling Act*.

Subpart—Invoicing products falsely:

§ 13.1108 *Invoicing products falsely*:
§ 13.1108-45 *Fur Products Labeling Act*.

Subpart—Misbranding or mislabeling:

§ 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45; 69f) [Cease and desist order, Rein, Rame & Gurvitch, Inc., et al., New York, N.Y., Docket 7512, January 30, 1960]

In the Matter of Rein, Rame & Gurvitch, Inc., a Corporation, and Abe W. Rein, Jack Rame, and Nathan Gurvitch, Individually and as Officers of Said Corporation.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City furriers with violating the Fur Products Labeling Act by failing to set forth the term "Dyed Mouton-processed Lamb" on invoices where required; by failing to comply in other respects with labeling and invoicing requirements; and by furnishing a false guaranty that certain of their fur products were misbranded, falsely invoiced, and falsely advertised.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 30 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Rein, Rame & Gurvitch, Inc., a corporation, and its officers, and Abe W. Rein, Jack Rame and Nathan Gurvitch, individually and as officers of said corporation, and respondents' representatives, agents and

employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

2. Setting forth on labels attached to fur products:

(a) Information required under section 4(2) of the Fur Products Labeling Act mingled with non-required information;

(b) Information required under section 4(2) of the Fur Products Labeling Act in handwriting;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act in abbreviated form;

3. Failing to set forth the term "Dyed Mouton-processed Lamb" in the manner required;

4. Setting forth through printed statements, or in any other manner, any form of misrepresentation or deception, directly or by implication, with respect to such fur products as prohibited by section 5(b)(2) of the Fur Products Labeling Act;

5. Setting forth that respondents have on file with the Federal Trade Commission a certificate of continuing guaranty, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Rein, Rame & Gurvitch, Inc., a corporation, and Abe W. Rein, Jack Rame, and Nathan Gurvitch, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 29, 1960.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-1756; Filed, Feb. 26, 1960;
8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C. note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (25 F.R. 343, 404; 1074) is amended by changing the section heading to read as set forth below and by adding thereto the following new items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of one year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
Annatto colorants.....	35 parts per million (based on annatto solids).....	As coloring in foods.
Butylated hydroxyanisole and/or butylated hydroxytoluene.....	0.001 percent (combined total).....	As an antioxidant in dry mixes for making prepared foods.
Butylated hydroxyanisole and/or propylated hydroxytoluene, and/or propyl-galate.....	0.005 percent (combined total).....	As antioxidants in breakfast cereals.
Copper pyrophosphate.....	0.005 percent of copper in total daily ration.....	In mineral mixtures used in concentrated animal feeds.
Cottonseed flour (cooked and partially defatted).....	5 percent.....	In bakery products.
3,5-Dichlorosalicylic acid.....	300 parts per million.....	In salt blocks for animal use.
Ethyl cellulose.....	35 percent by weight.....	In dry vitamin preparations for animal feed and human food use.
Fumaric acid.....	0.3 percent.....	In foods as an acidulant, flavoring, and leavening agent.
Polyoxyethylene (20) sorbitan monolaurate.....	0.1 percent.....	In frozen desserts (other than water ices) as an emulsifier.
Do.....	do.....	In imitation ice cream as an emulsifier.
Do.....	0.05 percent.....	In pickles as an emulsifier.
Do.....	0.475 percent.....	As an emulsifier in flavored foods when used at rate not to exceed nine parts by weight per one part of flavor.
Do.....	0.45 percent.....	In cakes, as an emulsifier.
Do.....	0.5 percent.....	In cake icing, as an emulsifier.
Do.....	0.2 percent.....	In confectionery coating, as an emulsifier.
Do.....	do.....	In sugar confectionery path coatings, as an emulsifier.
Do.....	0.4 percent.....	In whipped topping, as an emulsifier.
Do.....	do.....	As an emulsifier in flavored foods when used at rate not to exceed nine parts by weight per one part of flavor.
Do.....	0.1 percent.....	In frozen desserts (other than water ices), as an emulsifier.
Do.....	do.....	In imitation ice cream, as an emulsifier.
Quinine sulfate.....	0.01 percent.....	As flavoring agent in carbonated beverages.
Sorbitan monostearate.....	do.....	As an emulsifier in flavored foods when used at rate not to exceed nine parts by weight per one part of flavor.

Product	Limits	Specified uses or restrictions
Sorbitan monostearate in combination with polyoxyethylene (20) sorbitan monostearate.....	0.475 percent.....	In cakes, as an emulsifier.
Do.....	1.0 percent.....	In confectionery coating, as an emulsifier.
Do.....	0.4 percent.....	In whipped topping, as an emulsifier.

2. Section 121.86 is further amended by deleting therefrom the following items which are added to § 121.87:

Product	Limits	Specified uses or restrictions
Coumarone-indene resin.....	200 parts per million.....	In coating on citrus fruits.
Dibutyl phthalate.....	2.17 percent.....	In nitrocellulose-coated, heat-sealing cellophane for packaging foods.
Dicyclohexyl phthalate.....	do.....	Do.
Inorganic bromides.....	50 parts per million.....	In processed foods from methyl bromide fumigation.
Maleic acid.....	0.40 percent.....	In nitrocellulose-coated, heat-sealing cellophane for packaging foods.
Pentaerythritol tetrastearate.....	0.09 percent.....	Do.
Polymers of pinaric and abietic acids and/or resin constituents.....	0.64 percent.....	Nitrocellulose-coated, heat-sealing cellophane for packaging foods.
Titanium dioxide N.F.....	20 percent.....	In adhesives for food packages.

3. Part 121 is amended by adding thereto the following new section:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice.

(a) General list.

Product	Limits	Specified uses or restrictions
Bromides, inorganic.....	50 parts per million.....	In processed foods from methyl bromide fumigation.
Carbon tetrachloride.....	do.....	As a fumigant, in food plant use.
Coumarone-indene resin.....	200 parts per million.....	In coating on citrus fruits.
Chloropicrin.....	do.....	As a fumigant, in food plant use.
Dibutyl phthalate.....	do.....	Not to exceed 2.17 percent in nitrocellulose-coated, heat-sealing cellophane for packaging foods.
Dicyclohexyl phthalate.....	do.....	Do.
Ethylene dibromide.....	do.....	As a fumigant in food plant use.
Ethylene dichloride.....	do.....	Do.
Maleic acid.....	do.....	Not to exceed 0.09 percent in nitrocellulose-coated, heat-sealing, cellophane for packaging foods.
Mineral oil.....	do.....	Not to exceed 2 percent in fiber bags to contain dry foods.
Mono fatty acid ester of polyethylene glycol.....	do.....	Not to exceed 0.8 percent in film wrappings for food.
Pentaerythritol tetrastearate.....	do.....	Not to exceed 0.09 percent in nitrocellulose-coated, heat-sealing, cellophane for packaging foods.

Product	Limits	Specified uses or restrictions
Piperonyl butoxide.....		As a fumigant in food plant use.
Polymers of pimaric and abietic acids and/or rosin constituents.		Not to exceed 0.64 percent in nitro-cellulose-coated, heat-sealing cellophane for packaging foods.
Polyoxyethylene (20) sorbitan mono-oleate.		Not to exceed 1.48 percent in film wraps for meat, as an emulsifier.
Propylene oxide.....		As a fumigant in foods.
Pyrethrins.....		Do.
Tetraethylene pentamine.....		Not to exceed 1.77 percent in coatings for food-storage containers.
Titanium dioxide.....		Not to exceed 20 percent in adhesives for food packages.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food processing industry.

Effective date. This order shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies 72 Stat. 1788; 21 U.S.C., note under section 342)

Dated: February 19, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1763; Filed, Feb. 26, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2053]

[632906]

ARIZONA

Partial Vacation of Stock Driveway No. 56, Arizona No. 2

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of February 4, 1919, creating Stock Driveway Withdrawal No. 56, Arizona No. 2, and the departmental order of June 6, 1932, amendatory thereof are hereby revoked so far as they affect the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 4 W.,
Sec. 4;
Sec. 5, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 7, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$;
Sec. 10, N $\frac{1}{2}$;
Sec. 18, N $\frac{1}{2}$.
T. 13 N., R. 4 W.,
Secs. 26, 27, 28, and 33.
T. 12 N., R. 5 W.,
Sec. 13, NE $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 14, SE $\frac{1}{4}$;
Sec. 17, W $\frac{1}{2}$;
Sec. 18;
Sec. 19, E $\frac{1}{2}$;
Secs. 20, 21, and 22;
Sec. 23, N $\frac{1}{2}$;
Sec. 24, N $\frac{1}{2}$.
T. 11 N., R. 6 W.,
Secs. 5, 6, and 7.
T. 12 N., R. 6 W.,
Sec. 12, S $\frac{1}{2}$;
Sec. 13, N $\frac{1}{2}$;
Secs. 14, 15, 16, 17, 20, and 29;
Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, E $\frac{1}{2}$.
T. 10 N., R. 7 W.,
Sec. 4, lots 2, 3, and 4.
T. 11 N., R. 7 W.,
Sec. 11, E $\frac{1}{2}$;
Secs. 12, 14, and 15;
Sec. 21, S $\frac{1}{2}$;
Secs. 22, 28, 29, 30, 31, and 33.
T. 11 N., R. 8 W.,
Sec. 36, E $\frac{1}{2}$.

The areas described contain approximately 23,400 acres.

2. Until 10:00 a.m. on August 19, 1960, the State of Arizona shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-2), and the regulations in 43 CFR.

3. All valid applications other than from the State, presented at or before 10:00 a.m. on August 19, 1960, shall be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter, shall be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35.

5. All applications under paragraphs 2 and 3 above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

6. Topography of the lands is primarily rough, and the soils are with few exceptions stony, shallow, or otherwise lacking in potential for agricultural development.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 19, 1960.

[F.R. Doc. 60-1779; Filed, Feb. 26, 1960; 8:46 a.m.]

[Public Land Order 2054]

[Sacramento 059266]

CALIFORNIA

Vacating Power Project No. 761 of December 6, 1926

1. In DA-969-California, issued June 29, 1959, the Federal Power Commission vacated the withdrawal created by the filing on December 6, 1926, of an application for preliminary permit for Project No. 761, so far as it affected the following-described lands:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 16 E.,
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 40 acres.

2. By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described shall at 10:00 a.m. on May 20, 1960, be open to such forms of appropriation as may by law be made of national forest lands.

3. Until 10:00 a.m. on May 20, 1960, the lands shall be open only to application by the State of California for the reservation to it or to any of its political subdivisions, under any law or regulation applicable thereto, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 19, 1960.

[F.R. Doc. 60-1780; Filed, Feb. 26, 1960; 8:46 a.m.]

[Public Land Order 2055]

[Idaho 010439]

IDAHO

Opening Lands

1. In DA-531-Idaho, issued May 5, 1959, the Federal Power Commission determined that the value of the following-described land, reserved in Power Site Reserve No. 8, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended; and subject to the condition that in the event the said tract is required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

BOISE MERIDIAN

T. 30 N., R. 1 W.,
Sec. 25, lot 3.

The area described contains 25.15 acres.

2. The land is located on the east bank of the Salmon River, approximately 37 miles upstream from its confluence with the Snake River and about 12 miles south of Cottonwood, Idaho, and is accessible by a County road. The elevation is about 900 feet.

3. Subject to any valid existing rights and the requirements of applicable law, including the provisions of section 24 of the Federal Power Act supra and the provisos described in paragraph 1 hereof, and pursuant to authority contained in said act, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance, and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 30, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

4. The State of Idaho has waived its preference rights of application under section 24 of the Federal Power Act as

amended, and under subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 23, 1960.

[F.R. Doc. 60-1781; Filed, Feb. 26, 1960;
8:46 a.m.]

[Public Land Order 2056]

(Wyoming 058206)

WYOMING

Withdrawing Public Lands in the Teton National Forest for Use of the Forest Service as an Administrative Site

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Teton National Forest, Wyoming, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site:

SIXTH PRINCIPAL MERIDIAN

CACHE CREEK ADMINISTRATIVE SITE

T. 41 N., R. 116 W.,
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described contains 80 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 23, 1960.

[F.R. Doc. 60-1782; Filed, Feb. 26, 1960;
8:46 a.m.]

[Public Land Order 2057]

[69330]

CALIFORNIA

Order Opening Lands

1. An order of the Acting Director of the Geological Survey dated October 22, 1956 cancelled Power Site Classification No. 183 of July 9, 1927, so far as that classification affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 7 E.
Sec. 12, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 19 N., R. 8 E.
Sec. 7, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Aggregating 160 acres:

The lands are in the Plumas and Tahoe National Forests.

2. Until 10:00 a.m. on May 24, 1960, the lands shall be open only to application by the State of California for the reservation to it, or to any of its political subdivisions, under any law or regulation applicable thereto, of any of the lands required for highway rights-of-way or materials sites as provided by sec. 24 of the Federal Power Act of June 10, 1920 (62 Stat. 275; 16 U.S.C. 818) as amended.

3. Beginning at 10:00 a.m. on May 24, 1960, the lands shall be open to such other forms of appropriation under the public land laws as may by law be made of national forest lands.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 23, 1960.

[F.R. Doc. 60-1783; Filed, Feb. 26, 1960;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Systox

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, P.O. Box 4913, Hawthorne Road, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of Systox (a mixture of O,O-diethyl O (and S-)-2-(ethylthio) ethyl phosphorothioates) in or on raw agricultural commodities as follows:

1.25 parts per million in or on peaches.
0.75 part per million in or on celery, peas, and tomatoes.

The quantitative analytical method proposed in the petition for determining residues of Systox is that published in the FEDERAL REGISTER of April 29, 1955 (20 F.R. 2892), under Systox. In addition, a paper chromatographic procedure for qualitatively distinguishing between Systox and its metabolites and other cholinesterase-inhibiting pesticides is proposed.

This method is as follows: The plant material is ground with water and the resulting aqueous extract is extracted with chloroform. The chloroform is evaporated and the residue is chromatographed on a column of acid-washed alumina, using water as the solvent. The effluent is extracted with chloroform and this is evaporated to a very small volume. The entire sample is spotted on silicone-treated paper. A solvent composed of ethanol, acetone, and water is used for development. The chromatogram is sprayed with a series of reagents and finally with 2,6-dibromo-N-chloro-p-quinoneimine to develop the color. Identification depends on the R_f value and the color obtained.

Dated: February 19, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of
Biological and Physical Sciences.

[F.R. Doc. 60-1795; Filed, Feb. 26, 1960;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 178]

FROZEN SALMON STEAKS

United States Standards for Grades

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003), that the Director of the Bureau of Commercial Fisheries proposes to recommend to the Secretary of the Interior the adoption of the regulations set forth in tentative form below to establish grade standards for frozen salmon steaks. These regulations are to be codified as Title 50, Code of Federal Regulations, Part 178—United States Standards for Grades of Frozen Salmon Steaks, and are proposed for adoption in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621-1627). Functions under that Act pertaining to fish, shellfish, and any products thereof were transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e). These regulations, if made effective, will be the first issued by the Department of the Interior prescribing grade standards for frozen salmon steaks.

Prior to the final adoption of the proposed regulations set forth below, consideration will be given to any written data, views, or arguments relating thereto which are received by the Director, Bureau of Commercial Fisheries, Fish and Wildlife Service, Washington 25, D.C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 23, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

PRODUCT DESCRIPTION, STYLE, AND GRADES

Sec.	
178.1	Product description.
178.2	Style of frozen salmon steaks.
178.3	Grades of frozen salmon steaks.

DIMENSIONS

178.6	Recommended dimensions.
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FACTORS OF QUALITY AND GRADE

178.11	Ascertaining the grade.
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DEFINITIONS

178.21	Definitions.
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LOT CERTIFICATION TOLERANCES

178.25	Tolerances for certification of officially drawn samples.
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SCORE SHEET

178.31	Score sheet for frozen salmon steaks.
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PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 178.1 Product description.

Frozen salmon steaks are clean, wholesome units of frozen raw fish flesh with

normally associated skin and bone and are 2.5 ounces or more in weight. Each steak has two parallel surfaces and is derived from whole or subdivided salmon slices of uniform thickness which result from sawing or cutting dressed salmon perpendicularly to the axial length, or backbone. The steaks are prepared from either frozen or unfrozen salmon (*Oncorhynchus* spp.) and are processed and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. The steaks in an individual package are prepared from only one species of salmon.

(a) *Species*. Frozen salmon steaks covered by this standard are prepared from salmon of any of the following species:

Silver or coho (*O. kisutch*).
Chum or keta (*O. keta*).
King, chinook, or spring (*O. tshawytscha*).
Red, sockeye (*O. nerka*).
Pink (*O. gorbuscha*).

§ 178.2 Styles of frozen salmon steaks.

(a) *Style I—Random weight pack*. The individual steaks are of random weight and neither the individual steak weight nor the range of weights is specified. The steaks in the lot represent the random distribution cut from the head to tail of a whole dressed salmon.

(b) *Style II—Random weight combination pack*. The individual steaks are of random weight and neither the individual steak weight nor range of weights is specified. The steaks in the lot represent a combination of cuts from selected parts of the whole dressed salmon.

(c) *Style III—Uniform weight or portion pack*. All steaks in the package or in the lot are of a specified weight or range of weights.

§ 178.3 Grades of frozen salmon steaks.

(a) "U.S. Grade A" is the quality of frozen salmon steaks that possess good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen salmon steaks that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen salmon steaks that fail to meet the requirements of the "U.S. Grade B."

DIMENSIONS

§ 178.6 Recommended dimensions.

(a) The recommended dimensions of frozen salmon steaks are not incorporated in the grades of the finished product since dimensions, as such, are not factors of quality for the purpose of these grades. However, the degree of uniformity of thickness among units of the

finished product is rated since it is a factor affecting the quality and utility of the product.

(b) It is recommended that the thickness (smallest dimension) of individually frozen salmon steaks be not less than ½ inch and not greater than 1½ inches.

FACTORS OF QUALITY AND GRADE

§ 178.11 Ascertaining the grade.

The grade is ascertained by observing the product in the frozen, thawed, and cooked states and is determined by consideration of the following:

(a) *Factors rated by score points.* The quality of the product with respect to all factors is scored numerically. Cumulative point deductions are assessed for variations of quality for the factors

in accordance with the schedule in Table I, in the frozen, thawed, and cooked states. The total deduction is subtracted from the maximum possible score of 100 to obtain the "product score."

(b) *Factors governed by "limiting rule".* The factors of flavor and odor, in addition to being rated by score points, are further considered for compliance with the "limiting rule" grade requirements of flavor and odor in Table I, as defined under Definitions § 178.21(g) (9) and (10).

(c) *Determination of the final product grade.* The final product grade is derived on the basis of both the "product score" and the "limiting rule" grade requirements of flavor and odor, per Table I.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS¹

Scored factors	Description of quality variation	Deduct
FROZEN		
1. General appearance defects.....	Per occurrence: Slight..... Moderate..... Excessive.....	1-2 3-4 5-10
2. Dehydration.....	(Per occurrence) for each 1 sq. inch of surface area. For each ¼ inch above ¾" variation tolerance in steak thickness (max. deduction: 6 points).	1
3. Uniformity of thickness.....	<i>Style I & II—Random weight.</i> For each steak between 2.5 and 3.0 ounces in weight per package, or per pound of product for packages over 1 pound net wt.	2
4. Uniformity of weight and minimum weight.....	<i>Style III—Uniform weight or portion.</i> For each 0.1 ounce beyond the 0.1 ounce tolerance of the specified portion weight range per 5 lbs. of product.	4
THAWED		
5. Workmanship defects: Blood spots, bruises, cleaning, cutting, fins, foreign material, collar bone, girdle, loose skin, pugh marks, sawdust, scales.....	Per occurrence: Slight..... Moderate..... Excessive.....	1 2-4 5-8
6. Color defects:		
(a) Discoloration of fatty portion.....	Slight..... Moderate..... Excessive.....	1-2 3-5 6-10
(b) Discoloration of lean portion.....	Slight..... Moderate..... Excessive.....	1-2 3-5 6-10
(c) Non-uniformity of color.....	Slight..... Moderate..... Excessive.....	1-2 3-4 5-6
7. Honeycombing.....	Percent sample area affected: 26 to 50..... 51 to 75..... 76 to 100.....	1 2 3
COOKED		
8. Texture defect (tough, dry, fibrous, or watery).....	Slight..... Moderate..... Excessive.....	1-2 3-5 6-10
9. Odor: ²	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15
10. Flavor: ²		
(a) Lean portion.....	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15
(b) Fatty portion.....	Good (A)..... Reasonably good (B)..... Substandard (S).....	0-2 3-5 6-15

¹ This schedule of point deductions is based on the examination of sample units composed of: (a) An entire sample package and its contents (for retail sized packages) or (b) a representative subsample consisting of about one pound of salmon steaks taken from each sample package (for institutional sized packages), except that the entire sample package or its equivalent shall be examined for factor 4.

² "Limiting rule" grade requirements of flavor and odor: Salmon steaks which receive over 5 deduction points for odor, or flavor of the lean, or flavor of the fatty portion, shall not be graded above "U.S. Grade B," regardless of the total product score. (This is a "limiting rule" based on flavor and odor as defined under definitions § 178.21(g) (9) and (10)).

DEFINITIONS

§ 178.21 Definitions.

(a) "Slight" refers to a defect that is scarcely noticeable and may not affect the appearance, the desirability, and/or eating quality of the steaks.

(b) "Moderate" refers to a defect that is conspicuously noticeable (not seriously objectionable) and does not seriously affect the appearance, desirability and/or eating quality of the steaks.

(c) "Excessive" refers to a defect that is conspicuously noticeable (seriously

objectionable) and seriously affects the appearance, desirability, and/or eating quality of the steaks.

(d) "Occurrence" is defined as each incidence of the same or different types of defects.

(e) "Cooked state" means that the thawed, unseasoned product has been heated within a boilable film-type pouch by immersing the pouch with product in boiling water for 10 minutes. Steaks cooked from the frozen state may require about two additional minutes of cooking.

(f) "Actual net weight" means the weight of the salmon steaks within the package after removal of all packaging material, ice glaze or other protective coatings.

(g) "Scored factors" (Table I):

(1) "General appearance defects" refer to poor arrangement of steaks, distortion of steaks, wide variation in shape between steaks, greater than normal number of head and/or tail pieces, imbedding of packaging material into fish flesh, inside condition of package, frost deposit, excessive or non-uniform skin glaze, and undesirable level of natural color.

(2) "Dehydration" refers to the appearance of a whitish area on the surface of a steak due to the evaporation of water or drying of the affected area.

(3) "Uniformity of thickness" means that steak thickness is within the allowed ½-inch manufacturing tolerance between the thickest and thinnest parts of the steaks within a package or sample unit.

(4) "Uniformity of weight and minimum weight" is defined in Table I. (Portions are designated by "weight range" or "specified weight." The "weight range" of portions bearing "specified weight" designation on containers shall be taken as the "specified weight" plus or minus 0.5 ounce unless otherwise specified.)

(5) "Workmanship defects" refers to appearance defects that were not eliminated during processing and are considered objectionable or poor commercial practice. They include the following: Blood spots, bruises, cleaning (refers to inadequate cleaning of the visceral cavity from blood, viscera and loose or attached appendages), cutting (refers to irregular, inadequate, unnecessary, or improper cuts and/or trimming), fins, foreign material (refers to any loose parts, of fish or other than fish origin), collar bone, girdle (refers to bony structure adjacent to fin), loose skin, pugh marks, sawdust and scales.

(6) "Color defects":

(i) "Discoloration of fat portion" means that the normal color of the fat shows increasing degrees of yellowing due to oxidation.

(ii) "Discoloration of lean portion" means that the normal surface flesh color has faded or changed due to deteriorative influences.

(iii) "Non-uniformity of color" refers to noticeable differences in surface flesh color on a single steak or between adja-

cent steaks in the same package or sample unit. It would also include color variation of the visceral cavity and skin watermarking.

(7) "Honeycombing" refers to the visible appearance on the steak surface of numerous discrete holes or openings of varying size.

(8) "Texture, defect" refers to an undesirable increase in toughness and/or dryness, fibrousness, and watery nature of salmon examined in the cooked state.

(9) "Odor" and "flavor:"

(i) "Good flavor and odor" (essential requirement for Grade A) means that the fish flesh has the good flavor and odor characteristic of the indicated species of salmon, and is free from rancidity and from off-flavors and off-odors.

(ii) "Reasonably good flavor and odor" (minimum requirement for Grade B) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristics of the indicated species of salmon, is reasonably free of rancidity, and is free from objectionable off-flavors and off-odors.

(iii) "Substandard flavor and odor" (substandard grade) means that the flavor and odor fail to meet the requirements of "reasonably good flavor and odor."

LOT CERTIFICATION TOLERANCES

§ 178.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified on the basis of Part 170 of this chapter (Regulations Governing Processed Fishery Products, 23 F.R. 5064, July 3, 1958).

SCORE SHEET

§ 178.31 Score sheet for frozen salmon steaks.

Label:
Size and kind of container:
Container mark or identification:
Size of lot:
Number of packages per master carton:
Size of sample:
Number of steaks per container:
Product style:
Actual net weight: (ounces) (lb.)

Scored factors	Deductions
FROZEN	
1. General appearance defects.....
2. Dehydration.....
3. Uniformity of thickness.....
4. Uniformity of weight.....
THAWED	
5. Workmanship defects.....
6. Color defects.....
7. Honeycombing.....
COOKED	
8. Texture.....
9. Odor (Limiting rule—Table I).....
10. Flavor (Limiting rule—Table I).....
Total deductions.....
Product score (100—Total deductions).....
Flavor and odor rating.....
Final grade.....

[F.R. Doc. 60-1776; Filed, Feb. 26, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 905, 987, 1014]

[Docket Nos. AO-297-A-1; AO-252-A-6; AO-304-A-1]

MILK IN MISSISSIPPI DELTA, CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREA

Decision on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jackson, Mississippi, on December 15-17, 1959, pursuant to notice thereof issued on December 1, 1959 (24 F.R. 9742).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 8, 1960 (25 F.R. 1161), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order, was formulated, was conducted at Jackson, Mississippi on December 15-17, 1959, pursuant to notice thereof which was issued December 1, 1959 (24 F.R. 9742).

The material issues on the record of the hearing relate to the level and seasonality of the Class I prices and the level of the Class II prices; definition of producer, distributing plant and handler; revision of the provisions for transfers, the base-excess plan, handler reports and classification computation and allocation of skim milk and butterfat; reduction of the marketing area; and clarifying and conforming changes.

This decision pertains only to the issue of the Class I prices and proposed amendment to be effective only to Part 987 (Docket No. AO-252-A-6) for the Central Mississippi marketing area. Class I prices for the Mississippi Delta and Mississippi Gulf Coast orders are based on the Central Mississippi order Class I prices. Decision on all other issues is reserved for later determination.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. **Class I prices.** Class I prices should be maintained at their present level with a uniform differential above the basic formula price for each month.

Cooperative associations supported a proposal to determine the Class I price

by adding \$2.30 during each month to the basic formula price. Currently the Central Mississippi order provides that a differential of \$1.85 be added during the months of March through July and \$2.30 all other months.

The evidence does not support an increase in the level of Class I price. Receipts of producer milk have in general kept pace with Class I sales each successive year since 1956.

Approximately 74 and 75 percent of the producer milk was classified as Class I in 1956 and 1957, respectively. During the past two years, 1958 and 1959, about 79 percent of the receipts of producer milk was classified each year as Class I milk. The weighted average relationship of the receipts of producer milk to Class I sales was 132 percent for each of the years 1956 and 1957. This relationship was 124.4 percent during 1958 and 127 percent in 1959. There is nothing in the evidence that shows any significant change in market conditions during the past year. From this it must be concluded that the present level of the Class I price is maintaining an adequate supply of producer milk.

Another feature of the producer proposal was a uniform Class I differential instead of the present seasonal differentials. Producers maintain that seasonal differentials in this market are not necessary to induce more even production. The 4-year average (1956-59) of production per day per producer during the two months of highest production is 118 percent of the 4-year average of the 2 months of lowest production. During this 4-year period the percentages ranged from 117 to 120 percent. Since seasonal surpluses in this area are not burdensome, cooperative associations maintain that the base-excess plan is sufficient inducement for producers to adjust the supply of milk seasonally in relation to the demand for Class I milk. All four associations representing producers in the three Mississippi markets (the Class I prices for the Mississippi Delta, and Mississippi Gulf Coast orders are based on the Central Mississippi order Class I prices) concurred in support of a constant differential above the basic formula price as a method of determining the Class I price. These associations represent a large majority of producers in the marketing areas concerned. These associations also market most of the producer milk not utilized and disposed by handlers in the marketing area. The record does not disclose significant changes in marketing conditions in either the Mississippi Delta or Mississippi Gulf Coast marketing areas or in inter-market relationships between these markets and the Central Mississippi marketing area that would justify altering the present method of basing the Class I prices for these markets on the Central Mississippi Class I price. It is concluded, therefore, that a uniform Class I differential as provided herein for the Central Mississippi area is also appropriate for the Mississippi Delta and Mississippi Gulf Coast areas.

It is concluded that it is feasible and appropriate in this marketing area to de-

termine the Class I price by adding \$2.13 each month to the basic formula price. A differential of \$2.13 each month will maintain the level of the differential price of the past three years. The resulting Class I price will also maintain a good alignment with the Memphis, Tennessee, order market to the north. Producers in this market also urge the adoption of a uniform Class I differential. The seasonal variation in the differential in the New Orleans order is only 20 cents. Testimony was to the effect that a constant differential in the Central Mississippi order would not significantly change the competitive price relationships with the New Orleans market. From the testimony it does not appear that a uniform Class I differential in place of the present seasonal differentials would have any adverse effects on sales of producer milk.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the

regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Mississippi Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be further amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Central Mississippi marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 24th day of February, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area.

§ 987.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agree-

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ments and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

§ 987.51 [Amendment]

1. Amend § 987.51(a) to read as follows:

(a) **Class I milk price.** The minimum price per hundredweight shall be the basic formula price for the preceding month plus \$2.13.

[F.R. Doc. 60-1803; Filed, Feb. 26, 1960; 8:48 a.m.]

[7 CFR Part 975]

[Docket No. AO-179-A18]

MILK IN NORTHEASTERN OHIO MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Market Administrator's Office, 7503 Brookpark Road, Cleveland, Ohio, beginning at 10:00 a.m., local time, on March 3, 1960, with respect to a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing con-

ditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

1. Proposed by the Stark County Milk Producers Association:

Proposal No. 1. In § 975.8(a) add the following: "except that during April, May, June and July the percentage requirements in this paragraph shall be 40 percent if such plant qualified during each of the preceding eight (8) months."

2. Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 7503 Brookpark Road, Cleveland 29, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 24th day of February 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-1789; Filed, Feb. 26, 1960;
8:47 a.m.]

[7 CFR PART 1024]

[Docket No. AO-308-A1]

MILK IN OHIO VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the City Council Chambers of the City Hall, 126 South East Third Street, Evansville, Indiana, beginning at 10:00 a.m., on March 1, 1960, with respect to pro-

posed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Ohio Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

1. Proposed by Southern Indiana Milk Producers' Association, Holland, Indiana; Western Kentucky Cooperative Milk Producers' Association, Madisonville, Kentucky; and Ohio Valley Milk Producers' Association, Evansville, Indiana:

Proposal No. 1. Amend § 1024.51(a) to provide an average Class 1 price differential of \$1.30 for the period March through July, 1960.

2. Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, 2427½ North Sherman Avenue, Evansville, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 24th day of February 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-1790; Filed Feb. 26, 1960;
8:47 a.m.]

Commodity Stabilization Service

[7 CFR Part 813]

1960 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of

practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the 1960 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held in Washington D.C., Room 3304 South Building, U.S. Department of Agriculture, on March 9, 1960, beginning at 10:00 a.m., e.s.t.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1960 among persons who process and market sugar produced from sugar beets grown in the Domestic Beet Sugar Area. The preliminary finding made above is based upon the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include: (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another.

It will also be appropriate at the hearing to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase or decrease in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of any area quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 25th day of February 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-1843; Filed, Feb. 26, 1960;
9:02 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MISSISSIPPI

Proposed Withdrawal and Reservation of Lands

FEBRUARY 23, 1960.

Upon consideration of the application for withdrawal and reservation of lands, notice of which was published in the FEDERAL REGISTER on Tuesday, December 30, 1958 (23 F.R. 252), serial number 048160, filed by Fish and Wildlife Service and the record pertaining to such application, it is determined that the application should be rejected as to the lands described below. Accordingly, it is rejected as to such lands.

The lands involved will be at 10:00 a.m. on April 15, 1960, relieved of the segregative effect of the above-mentioned application.

Legal description of the lands involved:

MISSISSIPPI

T. 9 S., R. 6 W., St. Stephens Meridian,
Sec. 3, Lot 1 containing 16.50 acres;
Sec. 4, Lot 1 containing 33.44 acres.

The area above-described containing in the aggregate 49.90 acres.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60-1796; Filed, Feb. 26, 1960;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DONALD B. FITZPATRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 16, 1960.

D. FITZPATRICK.

[F.R. Doc. 60-1792; Filed, Feb. 26, 1960;
8:47 a.m.]

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28,

1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1960.

MARVIN S. PLANT.

[F.R. Doc. 60-1793; Filed, Feb. 26, 1960;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9065 etc.]

HUNT OIL CO. ET AL.

Order Granting, in Part, and Denying, in Part, Motion To Consolidate Proceedings

FEBRUARY 18, 1960.

Hunt Oil Company, Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13504, G-13530, G-14082, G-14408, G-16422, G-16479; Hunt Oil Company, Docket No. G-10414; Hunt Oil Company, Docket Nos. G-16327, G-16639, G-18464, G-18555, G-18668, G-19755, G-19869, G-20531; Hunt Oil Company (Operator), et al., Docket Nos. G-16644, G-19756, G-20532.

On January 27, 1960, Hunt Oil Company (Hunt) filed a motion seeking to consolidate Docket Nos. G-16327, G-16639, G-18464, G-18555, G-18668, G-19755, G-19869, G-20531, G-16644, G-19756, and G-20532 with the proceedings previously consolidated by order issued May 17, 1958, in Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13504, G-13530, G-14082, G-14408, G-16422, G-16479, and G-10414. Briefly stated, with the sole exception of Docket No. 10414, all the foregoing are proceedings instituted under section 4(e) of the Natural Gas Act. The proceeding in Docket No. 10414 was initiated by an Order Instituting Investigation issued May 17, 1956, pursuant to section 5(a) of said Act. As to the aforementioned section 4(e) proceedings, all except Docket No. G-16327, involve proposed increases in rates of the periodic, favored-nations and redetermination types.

The only portion of the increased rate involved in Docket No. G-16327 is that portion intended to reflect the additional excise, license or privilege tax of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958, as such was approved on June 16, 1958, amending Title 47 of the Revised Statutes of 1950. In the suspension order issued September 26, 1958, in Docket No. G-16327, the Commission stated it "is advised that litigation is being instituted to challenge the constitutionality of said Act No. 8 of 1958." Said litigation is now pending before the Louisiana courts. It

would appear therefore that the issue raised in Docket No. G-16327 may not be resolved in this proceeding and therefore the motion as such relates to Docket No. G-16327, and should be denied.

The Commission finds:

(1) For the reasons hereinbefore stated it is not in the public interest to consolidate the proceedings in Docket No. G-16327 with the remaining proceedings which are the subject of Hunt's motion of January 27, 1960.

(2) It is appropriate and in the public interest that Docket Nos. G-16639, G-18464, G-18555, G-18668, G-19755, G-19869, G-20531, G-16644, G-19756 and G-20532 be consolidated with those set out in the Commission's order of May 17, 1958.

The Commission orders:

(A) The motion to consolidate the proceedings in Docket Nos. G-16639, G-18464, G-18555, G-18668, G-19755, G-19869, G-20531, G-16644, G-19756 and G-20532 with the proceedings in Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13504, G-13530, G-14082, G-14408, G-16422, G-16479 and G-10414, filed by Hunt on January 27, 1960 in these proceedings, is hereby granted.

(B) The aforesaid motion, as such relates to the proceeding in Docket No. G-16327, is hereby denied.

By the Commission.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 60-1772; Filed, Feb. 26, 1960;
8:45 a.m.]

[Docket No. G-7023 etc.]

MIDSTATES OIL CORP. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 19, 1960.

Midstates Oil Corporation, Docket No. G-7023; Midstates Oil Corporation, Docket No. G-13547; Midstates Oil Corporation, Docket No. G-15263; Midstates Oil Corporation, Docket No. G-15362; Middle States Petroleum Corporation, Docket No. G-17410; Tennessee Gas Transmission Company, Docket No. G-19122.

Take notice that Tennessee Gas Transmission Company (Tennessee) filed an application, on July 31, 1959, in Docket No. G-19122 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to assume and continue all sales of natural gas in interstate commerce, now being made or proposed to be made by Middle States Petroleum Corporation (Middle States), successor in interest to Midstates Oil Corporation (Midstates) as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application in Docket No. G-19122.

The application states that by virtue of a merger agreement dated July 27, 1959, Tennessee and Middle States merged, with Tennessee as the surviving company.

On December 31, 1958, Middle States filed an application in Docket No. G-17410 for authorization to assume and continue all the sales of natural gas in interstate commerce made by Midstates.

Certificates of public convenience and necessity authorizing the sales of natural gas in interstate commerce have been issued to Midstates or Middle States as indicated below:

1. Order issued September 18, 1956, in Midstates Oil Corporation, et al., Docket Nos. G-3518, et al., granting certificate authorization in Docket Nos. G-3518 through G-3536, G-3538 through G-3644, G-3546, G-3547, G-3552 and G-4433.

2. Order issued February 11, 1955, in Midstates Oil Corporation, Docket Nos. G-3548, et al., granting certificate authorization in Docket Nos. G-3548, G-3549 and G-3550.

3. Order issued December 15, 1954, in Midstates Oil Corporation, et al., Docket Nos. G-3551, et al., granting certificate authorization in Docket No. G-3551.

4. Order issued February 10, 1958, in Arkansas Fuel Oil Corporation, et al., Docket Nos. G-3031, et al., granting certificate authorization in Docket No. G-8094.

5. Order issued May 13, 1955, in Midstates Oil Corporation, granting certificate authorization in Docket No. G-8484.

6. Order issued June 5, 1958, in Johnson & Appling, et al., Docket Nos. G-8130, et al., granting certificate authorization in Docket No. G-8795.

7. Order issued October 16, 1956, in C. V. Lyman, et al., Docket Nos. G-3244, et al., granting certificate authorization in Docket No. G-8983.

8. Order issued October 26, 1956, in Charles H. Osmond, et al., Docket Nos. G-5524, et al., granting certificate authorization in Docket No. G-9480.

9. Order issued March 13, 1957, in Southland Royalty Company, et al., Docket Nos. G-10330, et al., granting certificate authorization in Docket Nos. G-10445 and G-10468.

10. Order issued July 29, 1957, in L. D. Brown and Sam Trant, et al., Docket Nos. G-8754, et al., granting certificate authorization in Docket No. G-11207.

11. Order issued April 22, 1957, in Argo Oil Corporation, et al., Docket Nos. G-10551, et al., granting certificate authorization in Docket Nos. G-11275 and G-11274.

12. Order issued August 9, 1957, in Seaboard Oil Company, et al., Docket Nos. G-9482, et al., granting certificate authorization in Docket No. G-11916.

13. Order issued November 4, 1957, in Toklan Oil Corporation and Aberdeen Petroleum Corporation, et al., Docket Nos. G-10533, et al., granting certificate authorization in Docket No. G-12879.

14. Order issued April 25, 1958, in Magnolia Petroleum Company, et al., Docket Nos. G-12095, et al., granting certificate authorization in Docket No. G-13306.

15. Order issued March 31, 1958, in Tensas Gas Gathering Corporation, et al., Docket Nos. G-13588, et al., granting certificate authorization in Docket No. G-13668.

16. Order issued April 13, 1959, in Midstates Oil Corporation, granting certificate authorization in Docket No. G-14836.

17. Order issued April 8, 1959, in La Gloria Oil and Gas Company, et al., Docket Nos. G-14996, et al., granting certificate authorization in Docket No. G-15143.

18. Order issued July 8, 1959, in Middle States Petroleum Corporation, et al., Docket Nos. G-15888, et al., granting certificate authorization in Docket No. G-15888.

Applications for certificates of public convenience and necessity authorizing the sale of natural gas in interstate commerce by Midstates are now pending, as indicated below:

Docket No.; Field and Location; Purchaser

G-7023; Logansport Field, De Soto Parish, La.; Tennessee Gas Transmission Co.

G-13547; Rock Island Field, Colorado County, Tex.; Tennessee Gas Transmission Co.

G-15263; Bethany-Longstreet Field, De Soto Parish, La.; Texas Eastern Transmission Co.

G-15362; Waskom Field, Harrison County, Tex.; Texas Eastern Transmission Corp.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 31, 1960 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 60-1773; Filed, Feb. 26, 1960; 8:45 a.m.]

[Docket No. 18078 etc.]

TEXACO INC., ET AL.

Notice of Additional Applications and Consolidation Thereof

FEBRUARY 19, 1960.

Texaco Inc., et al., Docket No. G-18078, et al., Tennessee Gas Transmission Company, Docket No. G-18765; South Texas Natural Gas Gathering Company, Docket No. G-18907; Transcontinental Gas Pipe Line Corporation, Docket No. G-18920; C. F. Falley (Operator), et al., Docket No. G-15401; Tennessee Gas Transmission Company, et al., Docket No. G-19084; Geode Petroleum Inc. (Operator), et al., Docket No. G-19298; H. J. Porter, Docket No. G-19415; Gulf Coast Minerals Management Corp. (Operator), Docket No. G-19617; Texaco Inc., Docket No. G-19787; W. H. Hunt, Docket No. G-19956; Kirkwood & Morgan, Inc. (Operator), et al., Docket No. G-20143; Fred Whitaker, Operator, Docket No. G-20384; I. B. Horn (Operator), et al., Docket No. G-20387; Mesa Development Company, Docket No. G-20469; Northern Pump Company, Docket No. G-20507; Valley Industrial Gas Company, Docket No. CI60-63; Coastal States Gas Producing Company, Docket No. CI60-64; H. M. Harrell, Jr., et al., Docket No. CI60-67; H. M. Harrell, Jr., et al., Docket No. CI60-68; Continental Oil Company, Docket No. CI60-71; Carter and Carter, Docket No. CI60-124.

The above additional Applicants have filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective Applicants propose to sell natural gas either directly to South Texas Natural Gas Gathering Company or indirectly through Coastal States Gas Producing Company for transportation in interstate commerce for resale from production in the Chiltipin Field, Robinson Field, Ybanez Field, Piedre Lumbré Field, Fitzsimmons and Johns Field, Duval County, Texas; The Maquellitos and Carolina Texas Field, Webb County, Texas; The La Capita Field, El Benadito Area and Yzaquirre Field, Starr County, Texas; The Donna Field, Javelina Field, Eva Mae Field, Penitas Field Area and various other Fields in Hidalgo County, Texas.

These related matters should be consolidated for hearing with the proceedings with respect to which notice was published in the FEDERAL REGISTER on November 26, 1959, in the Matters of Texaco Inc., et al., Docket Nos. G-18078, et al. A hearing concerning the matters involved in and the issues presented by said applications has heretofore been scheduled to be held on March 7, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 6, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1774; Filed, Feb. 26, 1960;
8:45 a.m.]

[Docket No. G-20260]

TOWN OF ROXIE, MISSISSIPPI

Notice of Application

FEBRUARY 19, 1960.

Take notice that the Town of Roxie, Mississippi, filed on November 27, 1959, an application in Docket No. G-20260, as supplemented on December 21, 1959, pursuant to section 7(a) of the Natural Gas Act, for an order directing Southern Natural Gas Company (Southern), to establish physical connection of its gas transmission system with facilities to be installed by the Applicant, and to direct Southern to sell natural gas to it on a firm-basis for distribution in that community and its environs, all as more fully described in the application on file with the Commission, and open to public inspection.

Applicant states there is no existing gas distribution facilities in Roxie and the only supply of gas now available in Roxie is liquefied petroleum gas. It is represented that Applicant is a municipal corporation legally authorized to engage in the local distribution of natural gas.

Applicant has filed with the Mississippi Public Service Commission an application for authority to construct its proposed gas distribution system.

The Town of Roxie is located in Franklin County about 5 miles south of Southern's 18-inch transmission line which extends between Cranfield and Brookhaven fields. The population of Roxie within a 5-mile radius is estimated at 3,500.

Applicant's estimated requirements are tabulated below:

Year	Requirements (Mcf)	
	Peak day	Annual
1.....	190	14,966
2.....	211	16,537
3.....	232	18,118
4.....	251	19,600
5.....	261	20,272

The gas is to be used only for residential and commercial purposes.

Applicant states the Town's project is to consist of about 5.7 miles of 2-inch transmission lateral extending from Southern's 18-inch transmission line to the corporate limits of the town, plus a distribution system with sufficient appurtenances to serve the area's third year requirements. Total cost of the transmission and distribution facilities and

related expenses is estimated at \$130,000, which Applicant, proposes to finance with the proceeds from the sale of 30-year municipal gas revenue bonds at 5 percent.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 24, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1775; Filed, Feb. 26, 1960;
8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MENNO FOCCO FOKKEMA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservation expenses:

Claimant, Claim No., Property, and Location

Menno Focco Fokkema, as Executor under the will of Benjamin Blazer, deceased, Amersfoort, The Netherlands; \$270.03 in the Treasury of the United States.

Vesting Order No. 17915; Claim No. 61816.

Executed at Washington, D.C., on February 23, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-1786; Filed, Feb. 26, 1960;
8:46 a.m.]

SOCIETE ANONYME DES ETABLISSEMENTS FRANCAIS H. A. SCHMID

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservation expenses:

Claimant, Claim No., Property, and Location

Societe Anonyme des Etablissements Francais H. A. Schmid, Paris, France; \$6,753.80 cash in the Treasury of the United States.

Vesting Order No. 1583; Claim No. 5479.

Executed at Washington, D.C., on February 23, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-1787; Filed, Feb. 26, 1960;
8:46 a.m.]

Office of the Attorney General

[Order 200-60]

DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

Delegation of Authority of the Attorney General To Seize Arms and Munitions of War, and Other Articles

By virtue of the authority vested in me by section 2 of Executive Order No. 10863 of February 18, 1960 (25 F.R. 1507), I hereby authorize and designate the Director of the Federal Bureau of Investigation to exercise the authority conferred upon the Attorney General by section 1 of that Executive order, relating to the seizure of arms and munitions of war, and other articles, pursuant to section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401).

Dated: February 24, 1960.

LAWRENCE E. WALSH,
Acting Attorney General.

[F.R. Doc. 60-1794; Filed, Feb. 26, 1960;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS

FEBRUARY 24, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36033: Gravel—Attica, Ind., to Lovington and Sullivan, Ill. Filed by Illinois Freight Association, Agent (No. 90), for interested rail carriers. Rates on screened gravel, in carloads from Attica, Ind., to Lovington and Sullivan, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 72 to Wabash Railroad Company tariff I.C.C. 7844.

FSA No. 36034: Substituted service—C&O for Chicago Express, Inc., et al. Filed by Central States Motor Freight Bureau, Inc., Agent (No. 36), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Buffalo, N.Y., and Saginaw, Mich., on the other.

Grounds for relief: Motor-truck competition.

¹ This line is now under construction pursuant to Commission authorization in Docket No. G-14587.

Tariff: Supplement 2 to Central States Motor Freight Bureau tariff MF-I.C.C. 934.

FSA No. 36035: *Substituted service—CRI&P for Burlington Chicago Cartage, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 37), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Moline and Peoria, Ill., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central States Motor Freight Bureau tariff MF-I.C.C. 934.

FSA No. 36036: *Substituted service—PRR for Best Way of Indiana, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 38), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., Cincinnati, Ohio, Detroit, Mich., and East St. Louis, Ill., on the one hand, and Columbus, Ohio, Fort Wayne, Indianapolis, Ind., Louisville, Ky., Pittsburgh, Pa., and Toledo, Ohio, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central States Motor Freight Bureau tariff MF-I.C.C. 934.

FSA 36037: *Cement—Minneapolis and Duluth, Minn., groups to northwestern points.* Filed by Great Northern Railway Company (No. 1062), for interested rail carriers. Rates on cement (hydraulic, masonry, mortar, natural or Portland), and articles taking same rates, in carloads, as described in the application from Minneapolis, Minnesota Transfer, St. Paul, Duluth, Steelton (Duluth), Minn., and Superior, Wis., to points on the Great Northern Railway in Iowa, Minnesota and South Dakota.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 20 to Great Northern Railway Company tariff I.C.C. A-8871.

FSA 36038: *Substituted service—PRR for Cooper-Jarrett, Inc.* Filed by Eastern Central Motor Carriers Association, Inc., Agent (No. 13), for interested carriers. Rates on property loaded in highway trailers and transported on railroad

flat cars between Cleveland, Ohio and Philadelphia, Pa., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-158.

FSA No. 36039: *Soda—Wichita, Kans., to La., N.C., and Tenn. points.* Filed by Western Trunk Line Committee, Agent (No. A-2110), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Wichita, Kans., to St. Francisville, La., Enka, N.C., Kingsport and Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariffs: Supplement 140 to Western Trunk Line Committee tariff I.C.C. A-4171. Supplement 138 to Western Trunk Line Committee tariff I.C.C. A-3831.

By the Commission.

[SEAL] / HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-1788; Filed, Feb. 26, 1960;
8:47 a.m.]

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